



Appeal Decision

Site visit made on 10 March 2020

by M Madge Dip TP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th April 2020

Appeal Ref: APP/B4215/Z/20/3245239

17 Bury New Road, Manchester M8 8FW

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Clear Channel against the decision of Manchester City Council.
 - The application Ref 125440/AOH/2019, dated 8 November 2019, was refused by notice dated 3 January 2020.
 - The advertisement proposed is the upgrade of an existing 48 sheet advert to support digital poster.
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Decision

1. The appeal is allowed and express consent is granted for the upgrade of the existing 48 sheet advert to support a digital poster advertisement. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:
 - 1) The maximum luminance of advertisements displayed on the panel shall not exceed 150 cd/m² during the hours of darkness.
 - 2) The sequential advertisements shall not change more than once every 10 seconds.
 - 3) Any sequential change between advertisements shall take place over a period no greater than one second.
 - 4) The advertisement shall not display any moving or apparently moving images.

Procedural Matter

2. The Regulations, the National Planning Policy Framework (the Framework) and Planning Practice Guidance (PPG) all make it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. The Council has referred to conflict with Policies DM1, EN1 and SP1 of Manchester's Local Development Framework Core Strategy (CS), adopted July 2012, and Saved Policies DC15 and E3.3 of the Unitary Development Plan for Manchester (UDP), adopted July 1995. I determine the appeal on that basis, taking the policies into account as material considerations in so far as they are relevant to amenity and public safety.

Main Issue

3. The main issue is the effect of the appeal proposal on amenity.

Reasons

4. The appeal site is located within a commercial area, adjacent to a main road. The existing built form is predominantly two storey buildings located at the back edge of the footway. The restaurant development on the opposite corner of Inwell Street is however set back from the road and has a forecourt style frontage. I saw at my visit that there are many advertisements of varying sizes and means of illumination in the area. These include the existing advertisement proposed to be upgraded, and I saw that it is externally illuminated.
5. The proposed digital advertisement would represent an upgrade of the existing advertisement, which is visually prominent when travelling into the city centre. The proposed advertisement would display sequential static images of advertisements. This would result in a greater frequency of image change than would occur with the existing advertisement panel. However, subject to controls which can be secured by condition, I consider that the frequency of static image change would not have any greater impact on visual amenity than the existing advertisement.
6. The means of illumination would change. The site is located within an area benefitting from street lighting and where there is a multitude of existing illuminated advertisements. Illumination during the hours of darkness is not uncommon. The proposed advertisement would not therefore be out of keeping with the existing appearance of the area, albeit a high level of luminance could result in the advertisement appearing intrusive during the hours of darkness. This can however be controlled by condition.
7. The proposed advertisement would replace an existing advertisement of similar size and in the same location. The cumulative effect of advertisements in the area on visual amenity would therefore be unaffected by the proposal.
8. In reaching the above findings I have had regard to relevant planning policy. While policy E3.3 of the UDP refers to the Council upgrading the appearance of the City's major radial and orbital roads, I have been provided with no evidence as to how this would be achieved or how it would be undermined by the proposal. In any case, as the proposal would cause no harm to visual amenity, I find no conflict with this policy or policies DM1, SP1 and EN1 of the CS or DC15 of the UDP.

Other Matters

9. I have noted the comments of the Council in relation to the location of other proposed LED advertisements and their dismissals at appeal. While I was able to view the junction of Sagar Street, which is relatively local to the site, I do not have details of that or the other schemes before me. I have therefore assessed this appeal on its own merits, having regard to the specific circumstances of the case before me and the Framework and the PPG.

Conditions

10. In addition to the 5 standard conditions, the appellant has suggested the imposition of operational conditions. In the interests of visual amenity, I have imposed conditions to control the frequency of image change, ensure that images remain static and to control the level of luminance. The wording of these conditions has been amended from that suggested by the appellant to provide certainty.

Conclusion

11. For the reasons given above, the appeal is allowed.

M Madge

INSPECTOR